

**DOCKET NO.:** JANS-0042 (JAB-1499 US DIV)  
**Application No.:** 10/817,472  
**Office Action Dated:** May 24, 2006

**PATENT**

### **REMARKS/ARGUMENTS**

Claims 1, 3 to 7, 9 to 11, 15, and 18 to 25 are pending in this application. Claims 1, 3 to 7, 9 to 11, 15, and 20, 21, and 23 to 25 are allowed and claims 18, 19, and 22 are newly rejected. Applicants are herein amending claims 18, 19, and 22.

#### **Amendments to the Claims**

Applicants are herein amending claims 18, 19, and 22 to delete subject matter that does not have antecedent basis in claim 1. Applicants are also amending claim 22 to clarify that the compound of formula (I) or a stereochemically isomeric form thereof, may be converted into a different stereochemically isomeric form of the compound of formula (I). Applicants respectfully submit that the amendments to the claims do not introduce new matter; and are fully supported by the specification, as originally filed.

#### **Rejections under 35 U.S.C. § 112, second paragraph**

Claims 18, 19, and 22 are newly rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite because certain forms of the compounds of formula (I) allegedly lack antecedent basis. Applicants are herein amending claims 18, 19, and 22 to delete "stereochemically isomeric forms, metal complexes, quaternary amines or *N*-oxide forms thereof," thereby rendering moot this portion of the rejection.

Claim 22 is also newly rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Applicants are herein amending claim 22 to clarify that the compound of formula (I) or a stereochemically isomeric form thereof, may be converted into a different stereochemically isomeric form of the compound of formula (I), thereby rendering moot the this portion of the indefinite rejection.

**DOCKET NO.:** JANS-0042 (JAB-1499 US DIV)  
**Application No.:** 10/817,472  
**Office Action Dated:** May 24, 2006

**PATENT**

Accordingly, applicants request withdrawal of claims 18, 19, and 22 under 35 U.S.C. § 112, second paragraph.

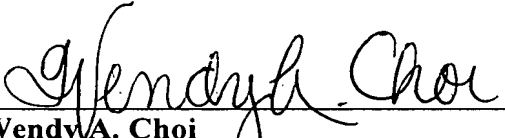
**Conclusions**

Applicants respectfully request:

- (1) entry of the amendments to the claims;
- (2) reconsideration and withdrawal of the rejections of the claims based on the foregoing amendments and remarks; and
- (3) allowance of claims 1, 3 to 7, 9 to 11, 15, and 18 to 25.

If the Examiner is of a contrary view, the Examiner is requested to contact the undersigned attorney at (404) 459-5642.

Date: August 18, 2006

  
**Wendy A. Choi**  
**Registration No. 36,697**

WOODCOCK WASHBURN LLP  
One Liberty Place - 46th Floor  
Philadelphia, PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439